

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

Nos. 1:99-cr-00571-MV-KRS-1
1:17-cv-01255-MV-KRS

KEITH HOPSKIN,

Defendant/Movant.

**ORDER ADOPTING PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court on Magistrate Judge Kevin R. Sweazea's proposed findings and recommended disposition ("PFRD"). (Doc. 72). In the PFRD, the magistrate judge recommended that Hopskin's motion for relief under 28 U.S.C. § 2255 be denied as to his first ground for relief regarding his attorney's alleged ineffectiveness for failing to raise a jurisdictional challenge. The magistrate judge further recommended that Hopskin be appointed counsel and a hearing be held on his second claim for relief that Hopskin instructed his attorney to file an appeal. The parties were notified that objections were due within fourteen days of service of the PFRD and that if no objections were filed, no appellate review would be allowed. To date, no objections have been filed.

IT IS THEREFORE ORDERED that:

1. The PFRD is adopted;

2. Hopskin's motion for relief under 28 U.S.C. § 2255 is denied as to Hopskin's contention that his attorney was ineffective for failing to raise a jurisdictional challenge; and
3. The magistrate judge appoint counsel for Hopskin and conduct an evidentiary hearing in accordance with the Court's order of reference as to Hopskin's claim that his attorney was ineffective for having not filed an appeal after Hopskin allegedly instructed him to do so.


UNITED STATES DISTRICT JUDGE